

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-6838

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LINWOOD LEE RUFFIN, a/k/a Lenny,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis III, District Judge. (CR-99-24-A, CA-02-399-A)

Submitted: July 16, 2003

Decided: July 28, 2003

Before MICHAEL, TRAXLER, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Linwood Lee Ruffin, Appellant Pro Se. Sonya LaGene Sacks, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Linwood Lee Ruffin seeks to appeal the district court's order and judgment denying relief on his motion filed under 28 U.S.C. § 2255 (2000). An appeal may not be taken to this court from the final order in a proceeding under § 2255 unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue for claims addressed by a district court on the merits absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000); see Miller-El v. Cockrell, 537 U.S. 322 (2003). We have independently reviewed the record and conclude that Ruffin has not satisfied that standard. Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED